

Notice of Allowability

Application No.

10/088,070

Examiner

Erica E Cadugan

Applicant(s)

GERBER, ERNST

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 7/26/04 and interview of 11/22/04.
2. ☒ The allowed claim(s) is/are 6-9, 11 and 12.
3. ☒ The drawings filed on 08 March 2002 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ludomir Budzyn on November 22, 2004.

The application has been amended as follows:

Claim 6 (currently amended): Heat shrink tool holder for being inserted into a machine spindle and for holding a tool shank or machine part, the heat shrink tool holder comprising a body having an axial bore, and a sleeve fitting in the axial bore of the body, the sleeve having a second bore to fit onto and contact the tool shank or part, the second bore being generally cylindrical, wherein the sleeve is a reducing sleeve that transfers a holding action exerted by the body in its cold state to the tool shank or part, wherein the body has a greater coefficient of thermal expansion than the sleeve.

Claim 10 has been canceled.

2. The following is an examiner's statement of reasons for allowance:

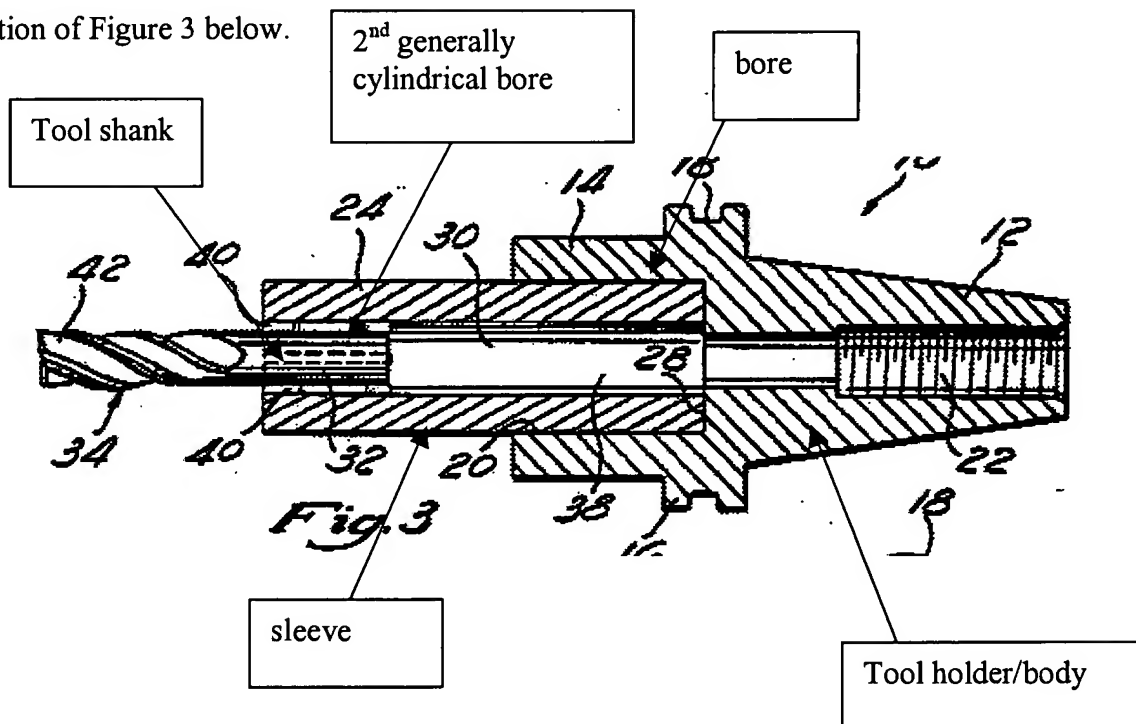
U.S. Pat. No. 6,260,858 to DeLucia and U.S. Pat. No. 5,311,654 to Cook, for example, are representative of the closest prior art of record to the present invention as set forth in independent claim 6.

Regarding DeLucia, it is noted that on November 22, 2004, Applicant submitted a certified translation of the Swiss Priority Document CH 1699/99, filed September 16, 1999.

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Thus, DeLucia is not applicable as prior art, since the earliest effective date of the DeLucia reference is its filing date of Jan. 12, 2000, which is after the filing date of the Swiss priority document.

Also, re Cook, note that Cook teaches the elements of claim 6 as set forth in the reproduction of Figure 3 below.



Note that the holder is a “heat shrink tool holder” (col. 4, line 53 through col. 5, line 41, for example).

Cook also teaches that the sleeve 24 and the remainder of the tool holder 10 “may be fabricated from dissimilar materials” (col. 6, lines 14-16). However, Cook does not specify what these dissimilar materials are, nor does Cook teach that the “body has a greater coefficient of thermal expansion than the sleeve” as set forth in independent claim 6.

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Also, there is no combinable teaching in the prior art of record that would reasonably and absent hindsight motivate one having ordinary skill in the art to so modify the teachings of Cook, and thus, Cook does not render obvious the present invention as set forth in independent claim 6.

The aforescribed prior art being representative of the closest prior art of record, the prior art of record neither anticipates nor renders obvious the present invention as set forth in independent claim 6.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica E Cadugan whose telephone number is (571) 272-4474. The examiner can normally be reached on M-F, 7:30 a.m. to 5:00 p.m., alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Erica E Cadugan
Primary Examiner
Art Unit 3722

eec
November 22, 2004